

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

<b>UNITED STATES OF AMERICA</b>	)	Criminal No. 3:18-MJ-720 (TWD)
	)	
<b>v.</b>	)	Stipulation and Order
	)	for Enlargement of Time
<b>JUSTIN HOBBIE,</b>	)	
	)	
<b>Defendant.</b>	)	

**STIPULATION**

- 1) The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, and the defendant, **JUSTIN HOBBIE**, by and through counsel, Kimberly M. Zimmer, Esq., hereby agree and stipulate that the time within which an indictment must be filed under Title 18, United States Code, Section 3161(b), be enlarged to and including ninety (90) days from the date of the signing of this stipulation and Order, and that such time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).
- 2) The chronology of this case is as follows:
  - a) Date of complaint: December 7, 2018
  - b) Date of initial appearance: December 7, 2018
  - c) Defendant custody status: In custody
  - d) Dates of Detention Hearings: Waived
- 3) The Court has previously ordered the following exclusions under the Speedy Trial Act:
  - a) Order dated March 12, 2019, excluding the time between March 12, 2019 through July 10, 2019.

- 4) The United States and/or the defendant request this exclusion based on the following facts and circumstances: The parties are engaged in pre-trial negotiations and expect to set a change of plea hearing in the near future. In the event that pre-trial negotiations fail, additional time will be necessary to prepare this case for grand jury.
- 5) The parties stipulate and agree that the ends of justice served by granting this extension outweigh the best interest of the public and the defendant in a speedy indictment and trial based upon the foregoing. Further, the delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence (*See* 18 U.S.C. § 3161(h)(7)(B)(iii)).
- 6) The parties stipulate and agree that a time period of 90 days (90) days from the date of this stipulation and order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iii).

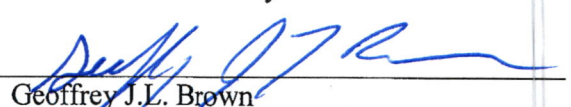
The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

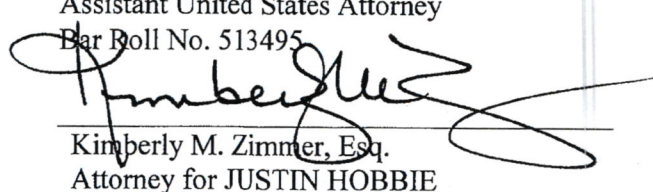
Dated:

7/1/19

GRANT C. JAQUITH  
United States Attorney

By:

  
Geoffrey J.L. Brown  
Assistant United States Attorney  
Bar Roll No. 513495

  
Kimberly M. Zimmer, Esq.  
Attorney for JUSTIN HOBBIE  
Bar Roll No. 505346

**ORDER**

A. The Court adopts the stipulated facts set out above as findings and hereby incorporates them into this Order;

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether an extension of time within which the government must file an information or indictment serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy indictment and trial because this delay is necessary to allow the United States reasonable time for effective preparation for the return and filing of an indictment or the resolution of this matter prior to the presentation of any evidence before a grand jury, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS, IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including ninety (90) days from the date of this stipulation and order, and that time be excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial for the reasons stipulated above.

IT IS SO ORDERED.

Dated and entered this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Hon. Thérèse Wiley Dancks  
United States Magistrate Judge